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4 SUZETTE TIPPITT,
5 Plaintiff,

6 v.
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8 TESORO REFINING & MARKETING
9 COMPANY LLC, et al.,
10 Defendants.

11 Case No. 14-cv-03893-RS

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15 **ORDER FOR ADDITIONAL BRIEFING
16 AND CONTINUING SUMMARY
17 JUDGMENT HEARING**

18 In their motion for summary judgment, defendants contend that this action is time-barred
19 in its entirety through the operation of regulations promulgated by the California Department of
20 Fair Employment and Housing (“DFEH”). Those regulations provide:

21 (d) The department shall amend closed employment discrimination complaints as
22 requested by complainants or their counsel.

(e) When the department amends a closed complaint, the department shall neither
23 reopen the complaint nor make an administrative determination on the validity,
24 retroactivity, or merits of the amendment.

(f) When a closed complaint is amended by the department, *the original filing date and right-to-sue notice shall remain in effect, as shall the original statute of limitations for filing a private lawsuit.* Cal. Code Regs. tit. 2, § 10022(d)-(f)
25 (emphasis added).

26 The parties are hereby ordered to prepare and submit additional briefing addressing in
27 more detail whether the above provisions operate to bar plaintiff’s claims of gender
28 discrimination. The parties’ briefing shall specifically address whether the DFEH has authority to
define the statute of limitations established by California Government Code § 12965(b) in the
manner apparently contemplated by the regulations. On or before July 24, 2015, each party shall
file a brief of no more than five pages addressing the foregoing issues. The hearing on defendants’
motion for summary judgment is hereby continued to August 13, 2015 at 1:30 PM.

1 **IT IS SO ORDERED.**
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3 Dated: July 6, 2015
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RICHARD SEEBORG
United States District Judge

United States District Court
Northern District of California

ORDER FOR ADDITIONAL BRIEFING
CASE NO. 14-cv-03893-RS